UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/157,884	09/21/98	VEGA-GARCIA A	777.179US1

021186 TM02/0309
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
P.O. BOX 2938
MINNEAPOLIS MN 55402

EXAMINER	
PRIETO,B	
ART UNIT	**PAPER NUMBER**
2152	7

DATE MAILED: 03/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/157,884	Applicant(s) VEGA-GARCIA
	Examiner Beatriz Prieto	Group Art Unit 2152

☒ Responsive to communication(s) filed on *Amendment A, filed 12/08/00*

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-9, 11-14, and 18-33* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-9, 11-14, and 18-33* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Response to Amendment

1. This communication is in response to Amendment A filed 12/08/00, regarding US application No. 0/9157,884, where claims 1-9, 11-14, and 18-33, now remain pending.

Claim Rejections - 35 USC § 103

2. Quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous action;

3. Claim **1** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Clapp et. al. (Clapp)** U.S. Patent No. **5,802,281**.

Regarding claim 1, Clapp teaches substantial features of the invention as claimed; Clapp teaches a computer system comprising two or more receiver payload handler modules and two or more corresponding decoder modules for handling and decoding two or more types of data (Fig. 5, 150, 170, 102, 104, 70, col 5/lines 1-5, 20-22). Clapp teaches a system/method related to network conferencing peripherals adapted for stand alone use/operation with a host computer system (col 1/lines 7-13, col 6/lines 8-20), disclosing a novel peripheral interface adaptable to existing conferencing systems, configured to receive/transmit audio, video, and data file information are transmitted to and received from a remote conferencing site over the communication channel, and associated means for means for acquiring source audio and video signals, and respectively displaying on a separate monitor and broadcasting over an internal or separate external speaker remote video images and audio (abstract); Clapp teaches interface panels (Fig. 5, 150, 170), configurable to receive/transmit data (payload), performing payload reception/handling function, (a process applied to multiplex signal for recovering signal combined within it and for restoring the distinct individual channels of the signals, demux to separate two or more signal previously combined, i.e. a demulitplexer for demultiplexing); Clapp teaches interface panels (Fig. 5, 150,

170), configurable to receive/transmit data (payload), performing payload reception/handling functions;

It would have been obvious to one ordinary skilled in the art at the time the invention was made to substitute receivers payload modules with interface panels further extending receiving functionality's to transmission/switching/signaling functions, claimed device and prior art of record performing the same functions as claimed;

4. Claim **2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Clapp et. al. (Clapp)** U.S. Patent No. **5,802,281** in view of **Bar et. al. (Bar)** U.S. Patent No. **6,122,665**.

Regarding claim 2, Clap teaches as discussed above, further wherein one or more of the payload handler modules handles audio G.711 data and another handles G723. 1 data (Clapp: col 9/lines 47-60, audio: col 22/lines 59-62, computer-readable medium comprising a first set of computer-executable instructions by which said decoders operate: col 9/lines 47-60 (integrated circuit)) and one each or more decoders associated decoder;

However Clapp does not explicitly denote two or more payload modules for receiving routed data stream, wherein one of the handler modules handles audio G.711 data and another handles audio G.723.1 data and one or more of the decoder modules decodes audio G.711 data and another decodes audio G.723.1 data;

Bar teaches a computer system (Figs 1-7) comprising two or more payload modules for receiving routed data stream, handlers coupled to the device (28) configured a process applied to combined multiplex signal for recovering signal combined within it and for restoring the distinct individual channels of the signals, demux to separate two or more signal previously combined, i.e. a demulitplexer for demultiplexing) handling a RTP signal; wherein one of the handler modules handles audio G.711 data and another handles audio G.723.1 data and one or more of the decoder modules, (Figs. 3A, 1-4, Fig. 5 steps) decodes audio G.711 data and another decodes audio G.723.1 data; separating stream means (38) means operatively coupled to the two or more receiver payload handler (28) modules for routing selected data to one of the corresponding relevant receiver payload handlers based on data type (col 9/lines 33-48, col 10/lines 21-47, selecting based on data (60) for routing via corresponding respective channels to relevant received data handles (col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 6/lines 21-40); demultiplexing means

operatively coupled to one or more decoders for routing data to one of the decoders based on said data type (col 6/lines 5-40, col 8/lines 64-col 9/line 7, Fig. 2 (28, 32), col 9/lines 33-48, col 10/lines 21-65, col 8/lines 66-col 9/line 7, col 6/lines 5-20);

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Clapp's system with means having two or more payload modules for receiving routed data stream, handlers coupled to the RTP demultiplexer; wherein one of the handler modules handles audio G.711 data and another handles audio G.723.1 data and one or more of the decoder modules decodes audio G.711 data and another decodes audio G.723.1 data, as taught by Bar, motivation would be

5. Claims **3-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Clapp et. al. (Clapp)** U.S. Patent No. **5,802,281** in view of **Bar et. al. (Bar)** U.S. Patent No. **6,122,665** in further view of **Matsui et. al. (Matsui)** E.P. No. **0 893 926 A2**

Regarding claim 3, wherein further comprising a de-multiplexer operatively coupled to the two or more receiver payload handler modules for routing data to one of the receiver payload handlers based on data type. (Clapp: Fig. 5, 200 routing/separating means, col 8/lines 59-67 and 22/lines 57-59 and 9/lines 8-18 and 21/lines 20-26).

However Clapp does not explicitly teach where routing/separating means are executed by a de-multiplexer.

Matsui teaches a system/method for demultiplexing multiplexed packet stream data comprising various types of data and a data storage medium containing a program for implementing demultiplexing process by software (col 1/lines 5-9), disclosing a method wherein a de-multiplexer (301) is operatively coupled to two or more decoders (302, 303) for routing data to one of the decoders based on data type (col 6/lines 11-16, data types: col 6/lines 51-58, identifying/separating different data types means: col 7/lines 2-5, 14-19);

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Clapp's teachings to include means for routing/separating means are executed by a de-multiplexer, as taught by Matsui, because by doing so this would enable the system implement a configurable de-multiplexer software programmable for other data types or standards, motivation would be to further enhance existing system with an adaptable de-multiplexer configurable for other transmission protocols such as TCP, UDP and RTP.

Regarding claim 4, the combined teachings of Clapp, Bar and Matsui as discussed above, further comprising a de-multiplexer operatively coupled to the one or more decoders for routing data to one of the decoders based on data type (Clapp: Fig. 5, 200, 102, 104 col 8/lines 59-67 and 22/lines 57-59 audio type data, and 9/lines 8-18 and 21/lines 20-26 video type data, wherein the audio or video data from the first or the second computer system is audio G.711 data, audio G.723.1 data, video H.261, or video H.263 data, controller 200 handling both types of data separating/routing to corresponding decoding means associated with each type of data: col 23/lines 10-13).

6. Claims **5-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Clapp-Bar** in view of **Matsui et. al. (Matsui)** E.P. No. **0 893 926 A2** in further view of **Kumar** U.S. Patent No. **5,835,129**.

Regarding claim 5, however the combined teachings of Clapp, Bar and Matsui do not explicitly further include an audio mixer operatively coupled to the two or more corresponding decoders.

Kumar teaches a system/method related to network conferencing peripherals adapted communicating with a plurality of remote host computers system (col 1/lines 1-30), disclosing means for further enhancing existing network conferencing system, particularly means for rendering images from each remote location simultaneously, method configured to receive/transmit audio, video, and data file information are transmitted to and received from a remote conferencing site over the communication channel, and display video images or signals from one or more of the other locations within separate display windows at their respective terminals, wherein an audio mixer operatively is coupled to two or more corresponding decoders (Fig. 2, 130, Fig. 5, 110 separator/routing means, network conference: col 6/lines 34-59, audio mixer col 7/lines 42-58).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Clapp, Bar and Matsui's teachings to include an audio mixer enabling different audio streams for each remote locations to be switched or summed, as taught by Kumar, motivation would be to further implement a modularize audio mixer configured to handle all source decoding and coding requirements of the audio signal independently, further enhancing existing system with "plug-in" units providing scalable/upgradeable merits.

Regarding claim 6, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further including a media rendering module operatively coupled to the one or more decoders (Clap: Fig. 5, 122/140, 220, 74, a high-speed output interface provides connectivity with the separate host computer system for coordinating, in cooperation with video conferencing application software operating thereon, the presentation of local and remote video, abstract, col 4/lines 38-45, col 6, lines 21-43).

Regarding claim 7, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, wherein one or more of the payload handlers includes: means for reassembling or combining two or more data packets, means for reordering data packets (Clapp: col 21/lines 20-26).

Regarding claim 8, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further including means for streaming data (Clap: col 8/lines 30-48, streaming data from local host computer to a remote host computer).

Regarding claim 10, 11, 12, 13, 14 this claim is the computer system associated with the method disclosed on claim 1, 2, 5, 6, and 8 same rationales is applicable.

Regarding claim 15, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, teach a computer-readable medium comprising: a first set of instructions for decoding a first type of audio or video data; and a second set of instructions for decoding a second type of audio or video data; (Clapp: col 9/lines 47-60, boards 102, 104 comprising chips circuit integrated processor).

Regarding claim 16, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further including a third set of instructions for streaming the first or second type of audio or video data (Clapp: Fig. 5, processor 200, col 8/lines 30-48, streaming data from local host computer to a remote host computer, col 22/lines 47-62, col 20/lines 20-23)

Regarding claim 18 and 22, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, a method of conducting a network conference with two or more computer systems (Clapp: col 4/lines 37-34, Fig. 1, Kumar, Fig. 1, col 5/lines 6-15), the method comprising: receiving audio or

video data from first and second computer systems (Clapp: Fig. 5, col 80, 78 and 82; determining the type of the audio or video data from the first computer system (Clapp: Fig. 5, 200 routing/separating means, col 8/lines 59-67 and 22/lines 57-59 and 9/lines 8-18 and 21/lines 20-26), routing the audio or video data from the first computer system to a first decoder based on the determination of the type of audio or video data; determining the type of the audio or video data from the second computer system; and routing the audio or video data from the second computer system to a second decoder based on the determination of the type of audio or video data: (Matsui: de-multiplexer (301), two or more decoders (302, 303) for routing data to one of the decoders based on data type, col 6/lines 11-16, data types: col 6/lines 51-58, identifying/separating different data types means: col 7/lines 2-5, 14-19); further monitoring incoming audio or video data for each of a plurality of conference parties for active or inactive status;(Bar: col 11/lines 10-50, col 7/lines 21-25); monitoring incoming audio or video data for terminal speaking participant starting a session connection, col 7/lines 21-25, col 5/lines 13-15, col 8/lines 25-27, col 8/lines 66-col 9/line 18) replacing audio or video data having the inactive status with data for the terminal speaking participant starting a session providing said data to one of the selected decoders based on selective data type to rendering module; col 11/lines 10-50, Fig. 3A, 4B-6B, steps, selecting means for handling rending display means, col 2/lines 32-61, col 3/lines 50-61, receiving audio or video data form first and second computer terminal systems, col 6/lines 5-20, tow or more participants, multiple participant handling session means col 6/lines 21-40, col 4/lines 43-48)

Regarding claim 19, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, the method of further comprising: decoding the audio or video data from the first and second computer systems (Clapp: col 9/lines 47-60, audio: col 22/lines 59-62, computer-readable medium comprising a first set of computer-executable instructions by which said decoders operate: col 9/lines 47-60 (integrated circuit)), and rendering the audio or video data from the first and second computer systems (Clap: Fig. 5, 122/140, 220, 74, a high-speed output interface provides connectivity with the separate host computer system for coordinating, in cooperation with video conferencing application software operating thereon, the presentation of local and remote video, abstract, col 4/lines 38-45, col 6, lines 21-43).

Regarding claim 20, the claim is substantially the same as claim 2, same rationale is applicable.

Regarding claim 21 and 23, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, teaches a network conferencing system comprising: an RTP demultiplexer for receiving and routing one or more RTP data streams based on data type (Matsui: de-multiplexer (301), decoders (302, 303), routing data to one of the decoders based on data type col 6/lines 11-16, data types: col 6/lines 51-58, identifying/separating different data types means: col 7/lines 2-5, 14-19); two or more decoder modules coupled to the demultiplexer for decoding data (Matsui: col 9/lines 3-17, col 12/lines 6-9); and a rendering module (Clapp: col 6/lines 60-64) coupled to the decoder for playing back one or more RTP data streams (Matsui: col 13/lines 13-44); tow or more receiver payload handler modules coupled to the demulitplexer for handling routed data streams (Bar: col 11/lines 10-50, col 7/lines 21-25 col 7/lines 21-25, col 5/lines 13-15, col 8/lines 25-27, col 8/lines 66-col 9/line 18) col 11/lines 10-50, Fig. 3A, 4B-6B, col 2/lines 32-61, col 3/lines 50-61, col 6/lines 5-20, col 6/lines 21-40, col 4/lines 43-48);

Regarding claim 24, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach a computerized conference system comprising: receiving means for receiving, via a communications network, respective first and second sets of audio data of respective first and second data types from respective first and second conference participants; first and second decoder modules for respectively decoding the first and second types of audio data; and means for routing data received by the receiving means to the first or the second -decoder module based on data type; means for determining whether one or more of the first and second sets of audio data is associated with an inactive conference participant; and means, responsive to determination of the inactive conference participant, for substituting a third set of data from a third conference participant, for at least the one of .e first and second sets of audio data associated with the inactive conference participant; (Clapp: receiver payload handler modules, two or more corresponding decoder modules, Fig. 5, col 5/lines 1-5, 20-22, col 1/lines 7-13, col 6/lines 8-20, wherein one or more of the payload handlers includes: means for reassembling or combining two or more data packets, means for reordering data packets, col 21/lines 20-26, data type, col 8/lines 59-67, col 22/lines 57-59, audio type data, and 9/lines 8-18 and 21/lines 20-26 video type data, wherein the audio or video data from the first or the second computer system is audio G.711 data, audio G.723.1 data, handling means both types of data separating/routing to corresponding decoding means associated with each type of data: col 23/lines 10-13, routing/separating means, col 8/lines 59-67 and 22/lines 57-59 and

9/lines 8-18 and 21/lines 20-26, payload handler modules handles audio G.711 data and another handles G723.1 data, col 9/lines 47-60, audio: col 22/lines 59-62, computer-readable medium comprising a first set of computer-executable instructions by which said decoders operate: col 9/lines 47-60 and one each or more decoders associated decoder; Bar: Figs 1-7, separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 25, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach a method of operating a computerized conference system, comprising: receiving, via a communications network, first and second audio data streams having respective first and second types of audio data from respective first and second Inference participants; decoding at least a portion of the first audio data stream in a first decoder for the first type of audio data; decoding at least a portion of the second audio data stream in a second decoder for e second type of audio data; determining whether one or more of the first and second audio data streams is associated with an inactive conference participant; and substituting a third audio data stream for at least the one of the first and second audio data streams, the third audio data stream associated with the inactive conference participant (Bar: Figs 1-7, separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 26, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach a conference system for plurality of participants (multiple), comprising: means for receiving a plurality of audio data streams from a corresponding plurality of conference participants; means for selecting a subset of the plurality of audio data streams; and means for

rendering the selected subset of audio data streams (Bar: Figs 1-7, separating selected data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 27, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach a wherein the selected subset of audio data streams includes a first audio data am formatted according to a first protocol and a second audio data stream formatted according to a second audio-data protocol; and wherein the system further comprises: first and second decoder modules for decoding respective first and second types of audio data; and means for routing the first and second audio data streams respectively to the first or the second decoder modules; (Bar: Figs 1-7, separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 28, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach a wherein the selected subset of audio data streams stream and a second audio data stream; and wherein the system further comprises: means for determining whether one or more of the first and second audio data streams is associated with an inactive conference participant; and means, responsive to determination of the inactive conference participant, for substituting a third audio data stream from a third conference participant, for at least the one of the first and second audio data streams associated with the inactive conference participant (Bar: Figs 1-7, separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col

6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 29, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach a conferencing method comprising: receiving a plurality of audio data streams from a corresponding plurality of conference participants; selecting a subset of the plurality of audio data streams; and rendering the selected subset of audio data streams; (Bar: Figs 1-7, separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 30, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach wherein the selected subset of audio data streams includes a first audio data stream formatted according to a first protocol and a second audio data stream formatted according to a second protocol; and wherein the method further comprises: providing first and second decoder modules for decoding respective first and second types of audio data; and routing the first and second audio data streams respectively to the first and second decoder modules; (Bar: Figs 1-7, separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 31, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach a wherein the selected subset of audio data streams includes a first audio data stream and a second audio data stream; and wherein the method further comprises: determining whether

one or more of the first and second audio data streams is associated with an inactive conference participant; and substituting a third audio data stream from a third conference participant, for at least the one of the first and second audio data streams associated with the inactive conference participant; (Bar: Figs 1-7, separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 32, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach a conferencing method comprising: receiving a plurality of audio data streams from a corresponding plurality of conference participants; selecting a subset of the plurality of audio data streams; rendering the selected subset of audio data streams. determining whether one or more of the first and. second audio data streams is associated with an inactive conference participant; and substituting a third audio data stream from a third conference participant, for at least the one of the first and second audio data streams determined to be associated with the inactive conference participant; (Clapp: receiver payload handler modules, two or more corresponding decoder modules, Fig. 5, col 5/lines 1-5, 20-22, col 1/lines 7-13, col 6/lines 8-20, wherein one or more of the payload handlers includes: means for reassembling or combining two or more data packets, means for reordering data packets, col 21/lines 20-26, data type, col 8/lines 59-67, col 22/lines 57-59, audio type data, and 9/lines 8-18 and 21/lines 20-26 video type data, wherein the audio or video data from the first or the second computer system is audio G.711 data, audio G.723.1 data, handling means both types of data separating/routing to corresponding decoding means associated with each type of data: col 23/lines 10-13, routing/separating means, col 8/lines 59-67 and 22/lines 57-59 and 9/lines 8-18 and 21/lines 20-26, payload handler modules handles audio G.711 data and another handles G723.1 data, col 9/lines 47-60, audio: col 22/lines 59-62, computer-readable medium comprising a first set of computer-executable instructions by which said decoders operate: col 9/lines 47-60 and one each or more decoders associated decoder; Bar: Figs 1-7, demuliplexing separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col

2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

Regarding claim 33, the combined teachings of Clapp, Bar, Matsui and Kumar as discussed above, further teach wherein the selected subset of audio data streams includes a first audio data stream formatted according to a first protocol and a second audio data stream formatted according to a second protocol; (Bar: Figs 1-7, separating data type means 38, payload processing handlers, 28, rendering display means 34, audio data 28, decoders 102, network connection receiving data stream means 16; col 1/lines 6-12, col 2/lines 32-38, 58-61, col 3/lines 24-29, 50-61, col 4/lines 14-48, 54-57, col 4/lines 63-col 5/line 9, 13-15, col 6/lines 5-50, col 7/lines 21-25, 56-65, col 8/lines 25-37, 45-65, col 8/lines 66-col 9/line 18, col 9/lines 33-48, col 10/lines 21-65, col 11/lines 10-50, col 12/lines 63-col 13/line 17, 31-50, col 14/lines 5-18, 32-34, 49-54);

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Argument

8. Regarding claim 1, (A) Applicant argues prior art of record Clapp does not teach claimed devices, such as "payload handlers modules";

9. Regarding claims 18-20, (B) Applicant argues prior art of record does not teach claim as amended, incorporated limitation comprising; monitoring incoming audio or video data for each of a plurality of conference parties for active or inactive status;

10. In response to A: Claimed devices ("demultipexer" and payload handler modules"); MPEP § 2144 Sources of Rationale Supporting a Rejection Under 35 U.S.C. 103, > Rationale may be in a reference, or reasoned from common knowledge in the art, scientific principles, art - recognized equivalents, or legal precedent; The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine , 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones , 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilly & Co ., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen , 851 F.2d 1401, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp , 227 USPQ 972 (Bd. Pat. App. & Inter. 1985) (examiner must present convincing line of reasoning supporting rejection); and Ex parte Levengood , 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning). Once a reference teaching product appearing to be substantially identical is made the basis of a rejection and the examiner presents evidence or reasoning tending to show inherency, the burden shifts to the applicant to show an unobvious DIFFERENCE "[T]he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his [or her] claimed product. Whether the rejection is based on inherency' under 35 U.S.C. 102, on prima facie obviousness' under 35 U.S.C. 103, jointly or alternatively, the burden of proof is the same...[footnote omitted]." The burden of proof is similar to that required with respect to product-by-process claims. In re Fitzgerald, 619 F. 2d 67, 70, 205 USPQ 594, 596 (CCPA 1980) (quoting In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977)).

11. In response B: comprising newly added limitation and/or claims, these have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Beatriz Prieto** whose telephone number **is (703) 305-0750**. The Examiner can normally be reached on Monday-Friday from 6:30 to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Mark H. Rinehart** can be reached on **(703) 305-4815**. The fax phone number for the organization where this application or proceeding is assigned is **(703) 308-6606**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3800/4700.**

13. Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:
(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:
(703) 305-7201 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

14. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

B. Prieto

Patent Examiner

March 6, 2001

LE HIEN LUU
PRIMARY EXAMINER